IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SECOND DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

And
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 2549 of 2005

Between:

S.Vishwanatham, S/o.Mallaiah,
Retd.Deputy Range officer, Warangal South Division,
Warangal Circle.

..... PETITIONER

AND

1. The Principal Chief Conservator of Forest, A.P.Hyderabad.
2. The Divisional Forest officer, Warangal South Diviison, Warangal.
3. Government of Andha Pradesh rep.by its Principal Secretary,

Environment, Forest, Science & Technology
Department, Secretariat, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more in the nature of certiorari calling for the records relating to the Judgment of the Administrative Tribunal in O.A.No.3628 of 2004 with C.A.No.862 of 2004, dated 02-12-2004 and C.M.A. No.193 of 2004 and quash the same and consequently hold that the petitioner is entitled for release of full pension and other retiremental benefits including gratuity and commutation consequent upon his retirement on 31-07-2002 on the strength of the verification report issued by the Accountant General, A.P., Hyderabad vide Lr.No.P17/IV/V- 1425/SP 733/2003-01/18/4403, dated: 25-03-2003 with penal interest @ 24% per annum and also damages and exemplary costs for the delayed payments from the date of retirement

till the actual date of payments.

Counsel for the Petitioner: MR.D.LINGA RAO

Counsel for the Respondents: GP FOR SERVICES I

The Court made the following:

ORAL ORDER: (PER GBJ)

The writ petition is filed aggrieved by the order passed by the A.P. Administrative Tribunal, Hyderabad in O.A. No.3628 OF 2004, dated 02.12.2004.

2. The petitioner was working as Deputy Range Officer when he retired from service on 31.07.2002. After retirement, his pension and other retiremental benefits were not settled and therefore, he filed the above O.A. before the A.P. Administrative Tribunal seeking appropriate direction. The Tribunal, however, disposed of the said O.A. by an order dated 02.12.2004, with a direction to complete the enquiry and pass appropriate orders. Aggrieved by the said order, the present writ petition has been filed.

3. During the course of hearing, the learned Government pleader for services-I, placed before this court a communication issued by the Principal Chief Conservator of Forests, Hyderabad, vide Ref.No.16939/2004/P2, dated 29.01.2005 withdrawing the disciplinary action against the petitioner and also for releasing the pensionery benefits. The following is the relevant extract from the order as follows:

> In view of the above, the Conservator of Forests is informed that it is not desirable to address the Government to accord permission to initiate disciplinary action against Sri S. Vishwanadham, Dy. R.O. (Retired) under sub-clause (1) of clause (b) of sub (2) of Rule 9 of the Revised Pension Rules, 1980 in the above issue.
>
> In view of the above, the Conservator of Forests is requested to;

1. Initiate suitable disciplinary action against Sri V. Jawahar, Forest Beat Officer and the concerned Deputy Range Officer, for the lapses on their part while keeping in view of the above observations of this office.

2. Pursue with the disciplinary action already initiated against Sri G. Sambaiah, Senior Assistant and Sri Ch. Rajkumar, Junior Assistant, till its disposal with logical conclusion. Further intimate the action taken against Sri M.M.M. Siddiqui, Junior Assistant, who isalso reported to be responsible by the Divisional Forest Officer, Warangal South in his report in Rc.No.88/98/S4, dated 07.09.2004.

3. Intimate the stage of explanation called for from Sri G. Satyanarayana, ACF, presently working as Sub-DFO, Eturnagaram (formerly FRO, Gudur).

The Conservator of Forests is requested to submit a detailed report about the action taken in the above matter, immediately."

In view of this, no further orders are necessary. The respondents are directed to fix the pension and pay the pension and other pensionery benefits and disburse the same to the petitioner, within a period of two (2) months from the date of receipt of a copy of this order.

The writ petition is closed. No costs.

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(G. BIKSHAPATHY, J)

Date: 22.02.2005

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(P.S. NARAYANA, J)

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Principal Chief Conservator of Forest, A.P. HYDERABAD.
2. The Divisional Forest officer, Warangal South Diviison, Warangal.
3. The Principal Secretary, Government of Andha Pradesh

Environment, Forest, Science & Technology
Department, Secretariat, Hyderabad.

4. Two C. Cs to G.P. for Services-I, High Court Buildings, Hyderabad (OUT).

5. 2 CD copies

*Form-NIC-OGS/WP{**JA**}*